



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C., 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

September 22, 2021

Ms. Jennifer Gadd Edwards
Occidental Petroleum Corp.
5 Greenway Plaza
Houston, TX 77046

RE: Request Number: EPA-2021-001392 – Final Production of Records

Dear Ms. Edwards:

This letter concerns the above referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency's (EPA) Freedom of Information Office, in which you are seeking documents and communications as follows:

1. Documents between January 12, 2009 and November 30, 2011 relating to The Environmental Settlement Agreement or the settlement of the claims asserted in: *In re: Tronox Incorporated, et al.*, Case No. 09-10156 (ALG), in the United States Bankruptcy Court for the Southern District of New York (Bankruptcy Proceeding).
 - a. The Environmental Settlement Agreement or the settlement of the claims asserted in the Bankruptcy Proceeding;
 - b. Valuation of any claims or damages asserted in the Bankruptcy Proceeding;
 - c. Expected and/or actual costs for cleanup of Covered Sites; and
 - d. The Agency's evaluation of the range of amounts Tronox should pay to discharge claims under the Environmental Settlement Agreement, including any analysis under any settlement guidelines the Agency employs in similar cases. Such analysis may include a multiplier of the projected CERCLA liability; and
2. Communications between January 12, 2009 and November 30, 2011 relating to:
 - a. The Environmental Settlement Agreement or the Bankruptcy Proceeding exchanged between any Agency representative and Tronox; and
 - b. The Environmental Settlement Agreement or the Bankruptcy Proceeding exchanged among any of the following persons: Robert William Yalen (DOJ), Robert G. Dreher (DOJ), Alan Tennenbaum (sic) (DOJ), Katherine Kane (DOJ), Cynthia Giles (EPA), Craig Kaufman (EPA), Lynne Davies (EPA), Frederick S. Phillips (EPA), Marcello Mollo (EPA), and Erica H. Pencak (EPA).

In January 2021, you agreed to limit the request to electronic records only and provided examples of the type of documents you were interested in.

In July 2021, we provided you with an interim response to part 1 of your request, documents between January 12, 2009 and November 30, 2011, relating to the items referenced above.

The EPA has completed its search for records pursuant to part 2 of your request for communications between January 12, 2009 and November 30, 2011 and found no responsive records.

This letter concludes our response to your request. You may appeal this response by email at hq.foia@epa.gov, or by mail to the EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, N.W., WJC-N Building, Room 7309C, Washington, DC 20460.

Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00 pm EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

Additionally, you may seek dispute resolution services from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001; email: ogis@nara.gov; telephone: (202) 741-5770 or (877) 684-6448; or fax: (202) 741-5769. For all media inquiries, please contact press@epa.gov.

If you have any questions concerning this response, please contact Antoinette Powell-Dickson of my staff at 202-564- 5136.

Sincerely,

Kenneth Patterson
Director
Regional Support Division

Office of Site Remediation Enforcement